

Board of Mineral Mining Examiners Meeting

Summary Minutes

December 18, 2008

Charlottesville, VA

Members Present: Elisha Hall, David Johnson, Andrew Price, Raymond Roeder,
David Ryan, Mike Sheets, Conrad Spangler, and Virlo Stiltner

Members Not Present: Darrel Haymore

DMME Employees Present: Jeff Stewart, David Spears, and Tom Bibb

The meeting was called to order at approximately 10:03 a.m. with an opening statement from Mr. Spangler and a brief introduction of the persons in attendance and an overview of the purpose and agenda of the meeting. The purpose of the meeting was to review proposed changes to the Safety and Health Regulations for Mineral Mining, discuss flyrock incidents at Virginia mineral mines, and consider potential Board actions to surface blaster certification requirements that may help mitigate the occurrence of flyrock incidents.

Mr. Spears provided an overview of the regulatory process and briefly described the proposed technical corrections and changes to the regulations. Mr. Spears also discussed the current status and implementation timeline for the proposed changes, which are tentatively expected to become effective sometime Spring 2009. Mr. Bibb reviewed in more detail the proposed changes to Parts VI (Explosives) and VII (Drilling) of the regulations.

Mr. Bibb then described five flyrock incidents that occurred at Virginia mineral mines over the past two years. The Board next discussed taking action (i.e., changing to the certification requirements for surface blasters) in an effort to help mitigate the occurrence of future flyrock incidents. The Board decided not to take further action at this time, citing their support of the proposed changes to the Safety and Health Regulations (specifically Parts VI and VII) and expected impact these changes should have on reducing flyrock incidents.

Mr. Spangler presented the next item of business for the Board to consider: periodic review of the Board of Mineral Mining Examiner's Certification Requirements for Mineral Miners (4 VAC 25-35). Periodic review of regulations occurs every 4 years and the last review occurred in 2004. The first step is to publish a Notice of Periodic Review in the Virginia Register of Regulations. The Board unanimously agreed to proceed with publishing the Notice, which will occur in the first or second quarter of 2009.

Mr. Stewart informed the Board of a surface blaster certification reciprocity agreement with the Department's Division of Mines that went into effect in March 2008. The agreement allows a holder of either a BMME or BCME (Board of Coal Mining Examiners) surface blaster certification to obtain the other Board's surface blaster certification by meeting certain minimum application requirements and successfully passing certain sections of each Board's surface blaster exams, but not requiring the applicant to take each Board's entire exam.

The final item that the Board discussed was the proposed Mine Safety and Health Administration's (MSHA) alcohol- and drug-free mines proposed rule (published in the Federal Register in September 2008). The Board generally discussed the rule and its potential impact on the Virginia mineral mining industry and DMM. The Board agreed that they and DMM would continue to monitor the MSHA proposed rule progress.

The Board recommended that the next meeting be held in June or July 2009 to consider whether the Board wants to take regulatory action on the BMME certification regulations (i.e., amend or change the regulations).

There was no further business and the meeting was adjourned at approximately 1:00 p.m.